

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 6 and 11 are currently being amended.

Claims 16-20 are currently being added.

This amendment and reply amends and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and adding the claims as set forth above, claims 1-20 are now pending in this application.

Claim Rejections – 35 U.S.C. § 101:

In the Office Action, claims 11-15 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter, because they do not recite a program stored on a computer readable medium. By way of this amendment and reply, independent claim 11 has been amended to recite a program stored on a computer readable medium, and thus claims 11-15 now fully comply with 35 U.S.C. § 101.

Claim Rejections – Prior Art:

In the Office Action, claims 1-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,349,217 to Honcharenko et al. This rejection is traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

The present invention relates to a configuration in which when a wireless apparatus supporting adaptive modulation receives a connection request from another wireless apparatus similarly supporting adaptive modulation, irrespective of in which modulation method communication is initially carried out, a threshold value of a communication environment parameter of transmission path at which communication is possible in the modulation method

having a larger multi-value number commonly used by both wireless apparatuses is compared with a parameter measured at that time point, whereby the channel allocation of a wireless base station is permitted when it is determined that the measured parameter is larger than the threshold value. That way, degradation of communication quality can be prevented when the modulation method is switched after the connection has been made.

On the contrary, Honcharenko et al. does not relate to such adaptive modulation, and fails to teach or suggest determining whether the communication environment of a transmission path is in a condition in which communication can be carried out without degrading the communication quality when the modulation method is switched to the one having the larger multi-value number.

In more detail, its rejection of claim 1, the Office Action asserts that Beamforming Weight Computation Unit 42 of Honcharenko et al. teaches the claimed storing unit for storing a first threshold value of a parameter indicative of a communication environment of a transmission path. Applicant respectfully disagrees with this assertion. Namely, the Beamforming Weight Computation Unit 42 of Honcharenko et al. stores beam weights used to direct a narrow antenna beam towards a particular direction. These beam weights are modified to direct an antenna beam towards a particular subscriber, whereby “the array weights are either precomputed or stored for subscribers who have used the system over a period of time, or the weights are computed based on the direction of arrival of the subscriber’s signal per [an] adaptive algorithm.” See column 6, lines 39-43 of Honcharenko et al. In either instance, no comparison is made in Honcharenko et al. of a reception signal strength with a first threshold that is indicative of a value by which a wireless apparatus can communicate by a particular modulation method. In other words, the beam weight computation being performed in Honcharenko et al. has nothing at all to do with determining an appropriate modulation scheme to use, but rather it is performed to optimally point an antenna array towards a subscriber based on an angular position of the subscriber with respect to a base station.

Accordingly, independent claim 1, as well as independent claims 6 and 11 which recite similar features to those discussed above with respect to claim 1, are not anticipated by Honcharenko et al.

New Claims:

New claims 16-20 have been added to recite additional features of the present invention that are believed to provide an additional basis of patentability for those claims, beyond the reasons given above for their respective base claim.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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